O/Cattle Control/52

1952. **File No.** 60/52

Legal Deptt.

G BRANCH

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Subject:— Opinion on the Bombay Cattle Control Order 1949.

R-H

O/Cattle Control/52

File No. 60/52

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C O N T E N T S

Legal Department File No. G. Cattle Control/1952

SR. No.	R.I./O. No.	Subject	Pages.
		Opinions on the Bombay Cattle Control Order, 1949.	
1	G-324 24/5/52	Question whether a prosecution would lie against the Cattleowner, Shri Noor Mohomed ~~Hasan~~ Haji Yusuf and the stable owner, Shri Janmahomed for breach of the Provision of the Bombay Cattle Control Order, 1949.	1-2
2	G-471 22/9/52	Question on what lines a reply should be given to Solicitor M/S. Parikh & Co.	3-8

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16/7/56

17/7/57

The solicitors may be informed that under ~~~ Order, Civil Supplies Department No. MC/DEV/998(c) dated the 15th October 1949 only the Aarey Colony near Goregaon is specified as suitables area under clause 3 of the Bombay Cattle Control Order, 1949 and their statement that the site of their clients's stables is also so specified is not correct. They ~~may~~ may further be informed that compliance with the provisions of the Bombay Cattle Control Order is necessary even though permission to construct stables may have been granted by Government.

O/C Sd/-
20/9

Remembrancer of Legal Affairs.

U.R. to M.C. No. G-471, dated the 22nd September 1952.

4 c.
V.R.K.
16/7/56

Office of the R.L.A.

The question referred to R.L.A. for opinion is whether prosecutions would lie against the cattleowner, Shri Noor Mahomed Haji Yusuf and the stable owner, Shri Ismail Vanmahomed for breach of the provisions of the Bombay Cattle Control Order, 1949.

As the stables at Survey No. 49, Pahadi Village, Ghodbunder Road, Goregaon where 62 buffaloes are kept have not been specified as suitable area or place where milch cattle shall be kept or permitted to be kept for profit under clause 3 of the Bombay Cattle Control Order, 1949, both, the cattle owner who has kept the milch cattle and the stable owner who has permitted such cattle to be kept for profit are liable to be ~~xxxxxxxxxx~~ prosecuted for breach of clause 4 of the Bombay Cattle Control Order, 1949.

It is stated that Shri Noor Mahomed the cattle owner was granted a licence in form B of the Bombay Cattle Control Order, 1949, for maintaining milch cattle at Karamat stable, Kurla. Only the Aarey Colony at Goregaon was specified by Government by a notification under clause 3 as a suitable ~~xxxx~~ place for keeping milch cattle (Pl. see notification No. MC/Dev-998(c),dt. 15-10-49). However, under the proviso to clause 4 read with sub-clause(2) of clause 5 persons keeping cattle at any palce in Greater Bombay and the Scheduled villages immediately before the date of the coming into force of the order, were granted licences on an application made within one month of such date. The application form A in Schedule I to the order shows that the licence was for keeping cattle at the ~~xxx~~ place mentioned in the application which place was referred to as 'approved premises' in the conditions of the license. It is true that there is no express condition to the effect that the licensee shall not keep cattle in a place other than the approved premises, but that is an implied condition and the very basis of granting a licence. The license is, therefore, inoperative for other premises and can be cancelled. But as there is no such express condition it is doubtful whether a prosecution for breach of clause 9 would succeed.

4 C.
V.R.K.
16/7/56

O/C Sd/- 23/5
Remembrancer of Legal Affairs.

U.R. to M.C. No. G-224, dated the 24th May 1952.